

Message Text

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ACTION ACDA-12

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FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 5320
INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 01423

E.O. 11652 GDS
TAGS: PARM, UR, US
SUBJECT: US-USSR CHEMICAL WEAPONS NEGOTIATIONS: ROUND
SEVEN, ANALYSIS OF ARTICLES XI-XXIV AND ANNEXES I, II OF
SOVIET DRAFT CW CONVENTION

REF: A) GENEVA 1413, B) GENEVA 582, C) GENEVA 1031

CW MESSAGE NO. 18

1. THIS MESSAGE TRANSMITS US DEL ANALYSIS OF ARTICLES
XI-XXIV AND ANNEXES I AND II OF THE SOVIET DRAFT CW
CONVENTION (REF A). THIS SUPPLEMENTS PREVIOUS MESSAGES
ANALYZING ARTICLES I, II, III AND X (REF B) AND ARTICLES
IV-IX (REF C).

2. ARTICLE XI (NEW) - THIS ARTICLE DEALS WITH USE OF
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NATIONAL TECHNICAL MEANS. THERE IS NO COMPARABLE ARTICLE
IN PREVIOUS CW DRAFTS, ALTHOUGH THE ARTICLE IS SIMILAR
TO ARTICLE II OF THE TTBT AND ARTICLE V OF THE SALT I
INTERIM AGREEMENT.

3. ARTICLE XII (FORMERLY VERIFICATION, SECTION III) -

THIS ARTICLE PROVIDES FOR ESTABLISHMENT OF A COMMITTEE OF NATIONAL CONTROL. IT APPEARS TO BE A MORE GENERAL VERSION OF THE PREVIOUS ARTICLE. THE LIST OF FUNCTIONS AND OTHER DETAILED ASPECTS HAVE BEEN TRANSFERRED TO ANNEX I. THE ONLY CHANGE FROM THE PREVIOUS SOVIET APPROACH IS THAT A STATE IS NO LONGER REQUIRED TO HAVE A NATIONAL COMMITTEE OF CONTROL. (IT SHOULD BE NOTED THAT IN THE SOVIET APPROACH TO VERIFICATION THE PRINCIPAL ROLE IS PLAYED BY A BODY WHICH STATES PARTIES ARE NOT OBLIGATED TO ESTABLISH.)

4. ARTICLE XIII (FORMERLY VERIFICATION SECTION II). THIS ARTICLE PROVIDES FOR CONSULTATION AND COOPERATION IN RESOLVING PROBLEMS. IN THE REVISED VERSION BILATERAL EXCHANGES OF INFORMATION ARE MENTIONED, IN ADDITION TO EXCHANGES THROUGH THE CONSULTATIVE COMMITTEE AS IN THE PREVIOUS VERSION. THERE IS A NEW PROVISION CONTAINING AN OBLIGATION TO EXCHANGE PERIODIC DECLARATIONS AND NOTIFICATIONS CONCERNING DESTRUCTION ACTIVITIES.

5. ARTICLE XIV (FORMERLY VERIFICATION SECTION V, PARAS 3 AND 4). THIS ARTICLE PROVIDES FOR PROCEDURES IN CASE OF SUSPECTED VIOLATIONS. WHILE THE WORD ORDER IS SOMEWHAT DIFFERENT, THERE DO NOT SEEM TO BE ANY IMPORTANT SUBSTANTIVE CHANGES.

6. ARTICLE XV (FORMERLY VERIFICATION SECTION IV, PARAS 1
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AND 2; ANNEX, PARA 1). THIS ARTICLE PROVIDES FOR ESTABLISHMENT OF A CONSULTATIVE COMMITTEE OF STATES PARTIES. THERE DOES NOT APPEAR TO BE ANY SUBSTANTIVE CHANGE IN THESE PROVISIONS.

7. ARTICLE XVI (FORMERLY VERIFICATION SECTION V, PARAS 1 AND 2). THIS ARTICLE PROVIDES FOR RECOURSE TO THE SECURITY COUNCIL IF THERE IS A SUSPECTED VIOLATION. IT IS THE SAME AS THE PREVIOUS VERSION.

8. ARTICLE XVII (FORMERLY "OTHER" SECTION I). THIS ARTICLE CONTAINS AN OBLIGATION TO ASSIST THOSE HARMED BY A VIOLATION AND IS THE SAME AS THE PREVIOUS VERSION.

9. ARTICLE XVIII (FORMERLY "OTHER SECTION II). THIS ARTICLE, WHICH PROVIDES THAT THE INTEGRITY OF OTHER CONVENTIONS IS NOT HARMED, IS THE SAME AS THE PREVIOUS VERSION. FOR REASONS WHICH ARE NOT CLEAR, IT REFERS TO THE ENMOD CONVENTION, WHICH DOES NOT APPEAR TO BE DIRECTLY RELATED TO CHEMICAL WEAPONS.

10. ARTICLE XIX (FORMERLY "OTHER" SECTION III). THIS ARTICLE PROVIDES THE "PROTECTION CLAUSE" FOR PEACEFUL CHEMICAL ACTIVITIES. AGAIN, IT IS UNCHANGED FROM THE PREVIOUS VERSION.

11. ARTICLE XX (NEW). THIS ARTICLE PROVIDES FOR AMENDMENTS, WHICH REQUIRE APPROVAL BY "PERMANENT MEMBERS OF THE SECURITY COUNCIL." OTHERWISE IT SEEMS STRAIGHT-FORWARD.

12. ARTICLE XXI (NEW). THIS ARTICLE PROVIDES FOR A REVIEW CONFERENCE AFTER EIGHT YEARS, A PERIOD CHOSEN TO CORRESPOND WITH THE SCHEDULED END OF DESTRUCTION OF STOCKS. THE FORM OF THE ARTICLE FOLLOWS THE BW CONVENTION, RATHER THAN THE ENMOD CONVENTION (E.G., THERE IS NO PROVISION FOR FOLLOW-ON CONFERENCES.)
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C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 01423

13. ARTICLE XXII (NEW). THIS ARTICLE CONTAINS THE SUPREME INTEREST WITHDRAWAL CLAUSE. IT REPEATS THE LANGUAGE USED

IN OTHER CONVENTIONS. THE PERIOD FOR ADVANCE NOTIFICATION IS LEFT BLANK.

14. ARTICLE XXIII (NEW). THIS ARTICLE CONTAINS PROVISIONS DEALING WITH SIGNATURE, RATIFICATION AND ENTRY INTO FORCE. THE LATTER REQUIRES RATIFICATION BY "PERMANENT MEMBERS OF THE SECURITY COUNCIL." THE TOTAL NUMBER OF RATIFICATIONS REQUIRED FOR ENTRY INTO FORCE IS LEFT BLANK.

15. ARTICLE XXIV (NEW). THIS ARTICLE ENUMERATES THE OFFICIAL LANGUAGES.

16. ANNEX I (CONTAINS MATERIAL FORMERLY IN VERIFICATION SECTION III, PARAS 2,3 AND 4). THIS ANNEX CONTAINS DETAILED PROVISIONS DEALING WITH THE COMMITTEE OF NATIONAL CONTROL. THERE IS NOTHING NEW.

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17. ANNEX II (FORMERLY "ANNEX"). THIS ANNEX CONTAINS DETAILED PROVISIONS CONCERNING THE CONSULTATIVE COMMITTEE. IN GENERAL IT HAS BEEN DERIVED FROM THE ENMOD CONVENTION. THE PRINCIPAL DIFFERENCES (ALL ADDITIONS) FROM THE PREVIOUS VERSION ARE:

A. (PARA 2) REFERENCE TO EXAMINATION OF NEW ACHIEVEMENTS IN SCIENCE AND TECHNOLOGY,

B. (PARA 3). THIS PARA, DERIVED FROM PARA 1 OF THE ANNEX IN THE PREVIOUS VERSION, NOW STIPULATES THAT THE SECURITY COUNCIL, PRESUMABLY IN RESPONSE TO AN APPEAL UNDER ARTICLE XVI, MAY REQUEST THE CONSULTATIVE COMMITTEE TO CARRY OUT FACT-FINDING. THIS WOULD APPEAR TO BE A DIFFERENT PROCEDURE THAN THE ONE REFERRED TO AS AN "INVESTIGATION" IN ARTICLE XVI, PARA 2. THE PREVIOUS ANNEX DID NOT SPECIFICALLY PROVIDE FOR "FINDINGS OF FACT," ALTHOUGH THE GENERAL APPROACH WAS ALREADY USED IN THE ENMOD CONVENTION.

"REPRESENTATIVES" OF THE STATES PARTIES, WHICH COULD BE TAKEN TO MEAN THAT THE SECRETARIAT PERSONNEL WOULD FORMALLY REPRESENT THEIR HOMELANDS IN THE SECRETARIAT, RATHER THAN BEING INTERNATIONAL CIVIL SERVANTS IN PRINCIPLE. THE FORMULATION "JUST POLITICAL AND GEOGRAPHICAL BALANCE" ADDS "POLITICAL" TO A TIME-WORN FORMULATION. THIS PARA ALSO CONTAINS A (NEW AND NECESSARY) PROVISION FOR FINANCING THE SECRETARIAT. VANDEN HEUVEL

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*** Current Handling Restrictions *** n/a
*** Current Classification *** CONFIDENTIAL
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